

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**JENS ERIK WESTHOFF,**

**Plaintiff,**

**v.**

**DB INDUSTRIES, LLC, d/b/a DBI  
SALA and d/b/a 3M FALL  
PROTECTION BUSINESS**

**Defendant.**

**8:16CV456**

**ORDER**

This matter is before the court *sua sponte*. On October 10, 2016, the court informed the parties by letter of their obligation to meet and confer pursuant to Fed. R. Civ. P. 26(f) and to file a written report of their meeting. ([Filing No. 5](#)). The initial deadline to file the Rule 26(f) report was November 14, 2016. The defendant filed a report by the deadline. The defendant was unable to reach the plaintiff and the plaintiff did not file a separate report. ([Filing No. 6](#)). On November 15, 2016, the court struck the defendant's report as incomplete because it was not jointly prepared. The court ordered plaintiff's counsel to contact defense counsel no later than November 22, 2016, to prepare and submit a joint report no later than November 28, 2016. ([Filing No. 7](#)). The defendant filed a report on November 28, 2016, again without participation from the plaintiff. The defendant stated in its reports that the defendant's counsel tried to contact the plaintiff's counsel on multiple occasions without success. Accordingly,

**IT IS ORDERED:** The plaintiff shall file the parties' joint, written report in accordance with Fed. R. Civ. P. 26(f) on or before the close of business on **December 8, 2016**, or show cause why sanctions should not be imposed upon the plaintiff and/or his counsel in accordance with Fed. R. Civ. P. 16(f) and Fed. R. Civ. P. 37(b)(2)(A)(ii)-(vii). Possible sanctions include dismissal of the action without prejudice.

**DATED: November 29, 2016.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**